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GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			SHIMIZU, MATSUICHIRO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary	Application No. 09/615,473	Applicant(s) ESCOBOSA ET AL.	
	Examiner Matsuichiro Shimizu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54-62, 64-66, 68-72, 74-76 and 78-80 is/are rejected.
- 7) ☒ Claim(s) 63, 67, 73 and 77 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓
Paper No(s)/Mail Date <u>2/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

In response to the Supplemental Appeal Brief filed on 9/16/05, the examiner withdraws objected claims 63 and 73 in Final Office Action filed on 2/17/04 in view of new rejection.

As discussed during a telephone call, the Examiner has re-formulated the rejections of the claims based on the outcome of an appeals conference. The examiner apologizes for the delay in prosecution.

Response to Arguments

Applicant's arguments in Supplemental Appeal Brief with respect to claims ***54-62, 64-66, 68-72, 74-76 and 78-80*** are moot in view of the new grounds of rejection.

Therefore, rejection of claims 54-62, 64-66, 68-72, 74-76 and 78-80 follows:

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 54–57, 58–59, 61 and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiloyan et al. (6,008,735).

Regarding claim 54, Chiloyan discloses a method for selecting a command set for use in a remote control, comprising:

receiving user input at a computer that functions to specify a type of a consumer electronic device (col. 4, lines 21–39 and 54–56, type; col. 5, lines 25–29, downloaded from computer 26) and a brand (col. 4, lines 21–39 and 54–56, brand; col. 5, lines 25–29, downloaded from computer 26) of the consumer electronic device;

using the user input at the computer (col. 5, lines 25–29, downloading additional code sets grouped in terms of type and brand) to select a plurality of function code sets that have been identified as being candidates for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device; and

causing at least a subset of each of the plurality of selected command code sets to be downloaded (col. 5, lines 25–29, downloading additional code sets grouped in terms of type and brand) from the computer into the remote control (Fig. 1, remote control unit 10) whereby a user may interact with the remote control to determine by experimentation which one of the plurality of function code sets is appropriate for commanding operations (col. 2, lines 34–47; test or experiment for correct set to control the device).

Regarding claim 55, Chiloyan discloses the method as recited in claim 54, comprising displaying to the user a list (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75).

Regarding claim 56, Chiloyan discloses the method as recited in claim 54, comprising displaying to the user a list (Fig. 3C, TV BRAND; UNIDEN 74 and ZENITH 75).

Regarding claim 57, Chiloyan discloses the method as recited in claim 54, wherein the subset of each of the plurality of command sets includes at least a code for commanding a power operation (col. 9, lines 31—36, power command) of the specified type of the consumer electronic device and the specified brand of the consumer electronic device (col. 5, lines 25–29, downloading additional code sets grouped in terms of type and brand).

Regarding claim 58, Chiloyan teaches the method as recited in claim 54, comprising arranging the downloaded plurality of function code sets such that the plurality of command sets will be tested in an order according to their install base (col. 2, lines 34–47; test or experiment for correct set to control the device) when the user interacts with the remote control to determine by experimentation (col. 2, lines 34–47; test or experiment for correct set to control the device) which one of the plurality of function code sets is appropriate for commanding operations of the specified **type** of the consumer electronic device (col. 4, lines 21-39 and 54-56, type; col. 5, lines 25-29, downloaded from computer 26) and the specified **brand** (col. 4, lines 21-39 and 54-56, brand; col. 5, lines 25-29, downloaded from computer 26) of the consumer electronic device.

Regarding claim 59, Chiloyan the method as recited in claim 54, comprising using the one of the plurality of function code sets that is appropriate for commanding operations of the specified type of the consumer electronic device and the specified brand of the consumer electronic device to identify a set of extended command sets (Fig. 3G, TEST and extended command SKIP; Fig. 5, TEST COMMAND 140) for use in commanding extended operations of the specified type of the consumer electronic device (col. 4, lines 21-39 and 54-56, type; col. 5, lines 25-29, downloaded from computer 26) and the specified brand of the consumer electronic device (col. 4, lines 21-39 and 54-56, brand; col. 5, lines 25-29, downloaded from computer 26).

Regarding claim 61, Chiloyan the method as recited in claim 54, wherein the plurality of function code sets are downloaded from the computer directly into the remote control (col. 5, lines 25-29, downloaded from computer 26).

Regarding claim 70, Chiloyan the method as recited in claim 54, wherein the plurality of function code sets each comprise codes for driving an IR emitting diode of the remote control (col. 4, lines 40-52, an infrared transmitter 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 62, 64-66 and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (6,008,735) in view of Foster (6,211,870).

Regarding claim 62, Chiloyan the method as recited in claim 54, comprising displaying to the user a key layout for the remote control and a list of functions from the function code set appropriate for commanding operations of the specified type (col. 4, lines 21-39 and 54-56, type; col. 5, lines 25-29, downloaded from computer 26) of the consumer electronic device and the specified brand of the consumer electronic device (col. 4, lines 21-39 and 54-56, brand; col. 5, lines 25-29, downloaded from computer 26) and accepting user input to assign functions from the list of functions (Fig. 3G, TEST and SKIP).

But Chiloyan is silent on accepting user input to assign functions from the list of functions to the key layout, assignments of functions to the key layout being downloadable from the computer to the remote control to thereby configure the remote control to command operations of consumer electronic device.

However, Foster teaches, in the art of remote control system, accepting user input to assign functions from the list of functions to the key layout,

assignments of functions to the key layout (col. 8, lines 1–10, the key layout on the screen 105 of the computer 100) being downloadable from the computer to the remote control (Fig. 1, remote control 200) to thereby configure the remote control to command operations of consumer electronic device for purpose of providing enhanced user–friendly system.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing enhanced user–friendly system.

Regarding claim 64, Chiloyan discloses the method as recited in claim 62, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan does not teach a graphical user interface having drag and drop capabilities for use in assigning functions from the list of functions to the key layout.

However, Foster teaches, in the art of graphic user interface system, a graphical user interface having drag and drop capabilities for use in assigning functions from the list of functions to the key layout (Fig. 11, drag and drop from the list 114) for the purpose of providing enhanced user–friendly system.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Foster

just discussed above because such features without unnecessarily searching for desired key layout, thus providing enhanced user-friendly system.

Regarding claims 65–66, Chiloyan discloses the method as recited in claim 62, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan does not teach a speaker assignments of function codes to the key layout.

However, Foster teaches, in the art of graphic user interface system, a speaker assignments of function codes to the key layout (Fig. 9, speaker assignment associated with vol– and vol+ keys) for the purpose of providing volume control.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing volume control.

Regarding claims 68, Chiloyan discloses the method as recited in claim 62, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan does not teach keys displayable in a display of the remote control.

However, Foster teaches, in the art of graphic user interface system, keys displayable in a display of the remote control (Fig. 9. display area 721) for the purpose of providing enhanced reconfigured key-layout.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing enhanced reconfigured key-layout.

Regarding claims 69, Chiloyan discloses the method as recited in claim 62, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan does not teach downloading from computer the remote control assignments of functions to the key layout.

However, Foster teaches, in the art of graphic user interface system, downloading from computer the remote control assignments of functions to the key layout (Fig. 11, col. 11, lines 14-25, configuring key layout) for the purpose of providing remote control of the device.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing remote control of the device.

Claims 60, 71–72 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (6,008,735) in view of Kemink (WO0017738).

Regarding claim 60, Chiloyan discloses the method as recited in claim 54, wherein Chiloyan is silent on the user input is received at the computer via an Internet connection (lines 28–31, page 4; lines 10–15, page 6, Web page associated with internet based service; lines 3–5, page 6, computer associated with the internet access device 210).

However, Kemink teaches, in the art of network system, the user input is received at the computer via an Internet connection (lines 28–31, page 4, Web associated with internet based service; lines 3–5, page 6, computer associated with the internet access device 210) for purpose of searching the larger database.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Kemink just discussed above because such features without unnecessarily searching the limited database, thus searching the larger database.

All subject matters except displaying at a Web site a list comprising a plurality of types and brands of consumer electronic devices in claim 71 are discussed above with regards to claim 54. However, Chiloyan continues to disclose a list comprising a plurality of types and brands of consumer electronic devices (Figs. 3C and 3E, types and brands). Likewise, Kemink

in the art of network system, displaying at a Web site a list (lines 10–15, Web page) for purpose of searching the larger database.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan the features of Kemink just discussed above because such features without unnecessarily searching the limited database, thus searching the larger database.

Therefore rejection of the subject matters expressed in claim 71 are met by references and associated arguments applied to rejection of claim 54 and to rejection provided in the previous paragraph.

Regarding claim 72, Chiloyan continues, as claimed in claim 71, to disclose arranging the downloaded plurality of function code sets such that the plurality of command sets will be tested in an order according to their install base (col. 2, lines 34–47; test or experiment for correct set to control the device) when the user interacts with the remote control to determine by experimentation (col. 2, lines 34–47; test or experiment for correct set to control the device) which one of the plurality of function code sets is appropriate for commanding operations of the specified type of the consumer electronic device (col. 4, lines 21–39 and 54–56, type; col. 5, lines 25–29, downloaded from computer 26) and the specified brand (col. 4, lines 21–39 and 54–56, brand; col. 5, lines 25–29, downloaded from computer 26) of the consumer electronic device.

Regarding claim 80, Chiloyan continues, as disclosed in claim 71, to disclose the plurality of function code sets each comprise codes for driving an IR emitting diode of the remote control (col. 4, lines 40–52, an infrared transmitter 18).

Claims 74–76 and 78–79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (6,008,735) in view of Kemink (WO0017738) as applied to claim 71 above, and further in view of *Foster*.

Regarding claim 74, Chiloyan discloses the method as recited in claim 71, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan in view of Kemink does not teach a graphical user interface having drag and drop capabilities for use in assigning functions from the list of functions to the key layout.

However, Foster teaches, in the art of graphic user interface system, a graphical user interface having drag and drop capabilities for use in assigning functions from the list of functions to the key layout (Fig. 11, drag and drop from the list 114) for the purpose of providing enhanced user–friendly system.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan in view of Kemink the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing enhanced user–friendly system.

Regarding claims 75–76, Chiloyan discloses the method as recited in claim 71, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan in view of Kemink does not teach a speaker assignments of function codes to the key layout.

However, Foster teaches, in the art of graphic user interface system, a speaker assignments of function codes to the key layout (Fig. 9, speaker assignment associated with vol– and vol+ keys) for the purpose of providing volume control.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan in view of Kemink the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing volume control.

Regarding claims 78, Chiloyan discloses the method as recited in claim 71, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan in view of Kemink does not teach keys displayable in a display of the remote control.

However, Foster teaches, in the art of graphic user interface system, keys displayable in a display of the remote control (Fig. 9. display area 721) for the purpose of providing enhanced reconfigured key-layout.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan in view of Kemink the features of Foster just discussed above because such features without unnecessarily searching for desired key layout, thus providing enhanced reconfigured key-layout.

Regarding claims 79, Chiloyan discloses the method as recited in claim 71, comprising presenting a graphical user interface (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75); the specified type of the consumer electronic device and the specified brand of the consumer electronic device (Fig. 3E, TV BRAND; UNIDEN 74 and ZENITH 75). But Chiloyan in view of Kemink does not teach downloading from computer the remote control assignments of functions to the key layout.

However, Foster teaches, in the art of graphic user interface system, downloading from computer the remote control assignments of functions to the key layout (Fig. 11, col. 11, lines 14-25, configuring key layout) for the purpose of providing remote control of the device.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to have included in Chiloyan in view of Kemink the features of Foster just discussed above because such features without

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unnecessarily searching for desired key layout, thus providing remote control of the device.

Allowable Subject Matter

Claims 63, 67, 73 and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 63 and 73, the prior arts fail to teach or fairly suggest displaying an amount of memory needed in the remote control to download from the computer to the remote control assignments of functions to the key layout.


Regarding claims 67 and 77, the prior arts fail to teach or fairly suggest downloading from the computer to the remote control via a memory card assignments of functions to the key layout.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
Aug. 25, 2006



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